

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

***San Diego, California***

***United States Attorney  
Carol C. Lam***

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***For Further Information, Contact: Assistant U.S. Attorney Neville S. Hedley (619)557-7459***

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***For Immediate Release***

### **NEWS RELEASE SUMMARY** - February 1, 2007

#### **13 INDICTED IN SAN DIEGO ON GUN CHARGES**

United States Attorney Carol C. Lam announced the unsealing of twelve indictments and one complaint charging thirteen separate individuals with federal firearms violations, including the illegal possession of more than 35 guns, some of which have been tied to other crimes. A federal grand jury sitting in San Diego handed up the indictments on Tuesday, January 30, 2007, which were unsealed today. One individual was charged in a complaint dated January 31, 2007, which was also unsealed today.

According to the indictments, Arnulfo Lozano, Horace Smith, Ivan Oliver George, Lee Willis Bender, Orlando Davis, Marcus Antoine Haines, Dwayne Jamar Green, Keenan Devon Jenkins, Daniel Lowery III, and Edward Dave, Jr., are each charged separately with being a felon in possession of a firearm. Isaiah Rashad Taylor, Victor Ibanez, Jr., Lowery, and Jenkins are charged separately with dealing in firearms without a license. Cesar Yanez is charged in a complaint with unlawfully possessing a stolen firearm. Lowery and Jenkins are also charged separately with unlawful possession of a stolen firearm. Taylor and Green also face counts of possession of an unregistered firearm, which in both instances were sawed-off shotguns. Ibanez and Davis are also charged with possession of a firearm with altered or obliterated serial

numbers, while Haines is charged with unlawful possession of a firearm by a person with a misdemeanor conviction for domestic violence.

Agents and officers either seized or acquired through an undercover operation a total of 48 guns, some of which have been linked to violent crimes here in San Diego County. A majority of the guns were acquired through the assistance of a cooperating witness who was regularly approached by individuals seeking to sell firearms illegally. With the assistance of the cooperating witness, many of the illegal gun transactions were recorded on video.

The charges stem from an investigation conducted by the San Diego Violent Crimes Task Force - Gang Group that began in 2004. The Task Force is a multi-agency law enforcement group consisting of agents from the Federal Bureau of Investigation, as well as officers from the San Diego County Sheriff's Department and San Diego Police Department, as well as other state and federal law enforcement agencies. Also involved in this investigation were agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The investigation targeted members of violent street gangs and the illicit trafficking of guns in San Diego County.

United States Attorney Lam said, "This carefully planned and executed undercover operation yielded a large number of illegal guns, and has taken off the street not only the weapons themselves but the people who illegally possessed them."

FBI Special Agent-in-Charge Daniel R. Dzwilewski said, "Today's arrests and searches will make San Diego a safer community by ensuring these firearms will never be used to commit another robbery, assault, drive by shooting or murder. In addition those arrested will not be able to continue their reign of terror on the citizens of San Diego."

Special Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives, John A. Torres stated, "The results of this investigation shows ATF's continued commitment to combat violent crime committed by these street gangs. Possession of firearms by prohibited people and possession of unregistered sawed-off shotguns will not be tolerated. Our number one goal is to keep our communities safe."

"If not for the diligence of the Violent Crimes Task Force, these weapons would still be on the streets of our county," commented Undersheriff Bill Gore. "Thanks to their hard work, 48 guns, rifles, and shotguns, some of which were stolen and connected to other violent acts, are now in the hands of law enforcement."

According to Assistant U.S. Attorney Neville S. Hedley, who is prosecuting the cases, the defendants are scheduled to be arraigned on the charges tomorrow afternoon before Magistrate Judge Barbara L. Major.

### **DEFENDANTS**

### **Case Number:**

Cesar Flores Yanez	07MJ0246-BLM
Lee Willis Bender	07CR0201-JAH
Edward Matthew Dave, Jr.	07CR0202-JAH
Orlando Damont Davis	07CR0203-JAH
Ivan Oliver George	07CR0204-JAH
Dwayne Jamar Green	07CR0205-JAH
Marcus Antoine Haines	07CR0206-JAH
Victor Manuel Ibanez, Jr.	07CR0207-JAH
Keenan Devon Jenkins	07CR0208-JAH
Daniel Lowery, III	07CR0209-JAH
Arnulfo Lozano	07CR0210-JAH
Horace Smith	07CR0211-JAH
Isaiah Rashad Taylor	07CR0212-JAH

### **SUMMARY OF CHARGES**

Title 18, United States Code, Section 922(g)(1) - Felon in Possession of a Firearm  
Maximum Penalties: 10 years in prison and a \$250,000 fine. (Defendants: Bender, Dave, Davis, George, Green, Haines, Jenkins, Lozano, Lowery, and Smith)

Title 26, United States Code, Section 5861(d) - Possession of Unregistered Firearm  
Maximum Penalties: 10 years in prison and a \$10,000 fine. (Defendants: Green and Taylor)

Title 18, United States Code, Section 922(a)(1)(A) - Dealing Firearms without a license  
Maximum Penalties: Five years in prison and a \$250,000 fine. (Defendants: Ibanez, Jenkins, Lowery and Taylor)

Title 18, United States Code, Section 922(k) - Possession of a Firearm with an altered or obliterated serial number  
Maximum Penalties: Five years in prison and a \$250,000 fine. (Defendants: Davis and Ibanez)

Title 18, United States Code, Section 922(j) - Unlawful Possession of a Stolen Firearm  
Maximum Penalties: 10 years in prison and a \$250,000 fine. (Defendants: Jenkins, Lowery and Yanez)

Title 18, United States Code, Section 922(g)(9) - Unlawful Possession of a Firearm by Person with Misdemeanor Domestic Violence Conviction

Maximum Penalties: 10 years in prison and a \$250,000 fine. (Defendants: Haines)

### **AGENCIES**

Federal Bureau of Investigation

Alcohol, Tobacco, Firearms and Explosives

San Diego County Sheriff's Department

San Diego Police Department

**An indictment or complaint itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**